

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*

Defendants.

COMPLAINT FILED

CLERK'S OFFICE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 7: Village of Chama

**Subfile No. CHCV-001-0006**

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and Defendant:

JICARILLA APACHE NATION

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Village of Chama, Section 7, Subfile No. CHCV-001-0006, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

8238

3. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendant adjudicated by this order.
4. The agreed upon elements of the right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Village of Chama, Section 7, Subfile CHCV-001-0006, are set forth below:

**A. IRRIGATED LANDS (Groundwater Only):**

**Office of the State Engineer Files No(s):** NONE

**Priority:** March 24, 1964

**Source of Water:** Underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Well:** MOUND WELL

**Location:** X= 1,550,068 feet Y= 2,147,199 feet

**Well:** WILLOW CREEK WELL

**Location:** X= 1,551,939 feet Y= 2,144,316 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant

Total	<u>92.5 acres</u>
	92.5 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

**B. IRRIGATED LANDS (Groundwater & Surface Water Combined):**

**Office of the State Engineer Files No(s):** 1545 and 1699-A

**Priority:** December 4, 1922 Surface Water  
March 24, 1964 Groundwater

**Source of Water:** Surface water of Little Willow Creek, a tributary of the Rio Chama, and underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** LITTLE WILLOW CREEK NORTH DITCH  
**Location:** X= 1,552,516 feet Y= 2,144,196 feet

**Well:** MOUND WELL  
**Location:** X= 1,550,068 feet Y= 2,147,199 feet

**Well:** WILLOW CREEK WELL  
**Location:** X= 1,551,939 feet Y= 2,144,316 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant

	<u>181.8 acres</u>
Total	181.8 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

**C. NO RIGHT (Surface Water):**

**Office of the State Engineer Files No(s):** NONE

**Priority:** NONE

**Source of Water:** UNNAMED DITCH NO.1 (NORTH): Surface water of an unnamed drainage, a tributary of the Rio Chama.

UNNAMED DITCH NO.1 (SOUTH): Surface water of an

unnamed drainage, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** UNNAMED DITCH NO. 1 (NORTH)  
**Location:** X= 1,551,629 feet Y= 2,153,229 feet

**Ditch:** UNNAMED DITCH NO. 1 (SOUTH)  
**Location:** X= 1,552,313 feet Y= 2,151,959 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of acreage:**

Within the Tierra Amarilla Grant

	<u>58.0 acres</u>
Total	58.0 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

**Amount of Water:** NONE

**D. STORAGE IMPOUNDMENT (Surface Water Only):**

**Office of the State Engineer Files No(s):** 2753 and 0434-B

**Amount of Water & Priority:**

55.5 acre feet November 28, 1951 (initial filling only)

7.08 acre-feet per annum August 1, 1902

**Source of Water:** Surface water of an unnamed draw, a tributary of the Rio Chama.

**Purpose of Use:** STOCKWATERING AND RECREATION

**Point of Diversion:**

**Ditch:** UNNAMED DITCH NO. 1 (NORTH)  
**Location:** X= 1,551,629 feet Y= 2,153,229 feet

**Ditch:** UNNAMED DITCH NO. 1 (SOUTH)

Location: X= 1,552,313 feet Y= 2,151,959 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

### **Pond Location and Surface Area:**

### Within the Tierra Amarilla Grant

### Vaughn Pond No. 4

Total 7.1 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHICV-001-0006

**Pond Volume:** 62.34 acre-feet

**Dam Height:** 28 feet above stream bed

**E. IRRIGATED LANDS (Groundwater & Surface Water Combined):**

**Office of the State Engineer Files No(s): 1545 and 1699-A**

**Priority:** February 2, 1926 Surface Water  
March 24, 1964 Groundwater

**Source of Water:** Surface water of Little Willow Creek, a tributary of the Rio Chama, and underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin.

**Purpose of Use:** IRRIGATION

### Point of Diversion:

**Ditch:** LITTLE WILLOW CREEK NORTH DITCH  
**Location:** X= 1,552,516 feet Y= 2,144,196 feet

Well: MOUND WELL  
Location: X= 1,550.068 feet Y= 2,147.199 feet

Well: WILLOW CREEK WELL  
Location: X= 1,551,939 feet Y= 2,144,316 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant

	<u>23.2</u> acres
Total	23.2 acres

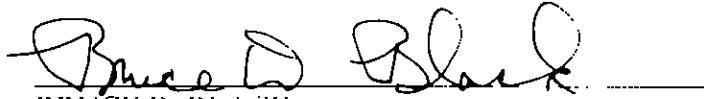
As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

5. Defendant has no surface or groundwater rights in the Rio Chama Stream System, Village of Chama, Section 7, under Subfile CHCV-001-0006 other than those set forth in this order and other orders entered by this Court in this cause.
6. The entry of this order shall have no effect upon Defendant's claims or water rights of Defendant associated with unlicensed impoundments or domestic uses of water in the Rio Chama Stream System, Village of Chama, Section 7. This order is limited to Defendant's water rights for licensed ponds identified in this order and defendant's surface and groundwater rights for irrigation in the Rio Chama Stream System, Village of Chama, Section 7 under Subfile CHCV-001-0006.
7. Defendant, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the water rights described herein and in other orders of the Court.
8. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.
9. The phrase "stockwatering and recreation" as used in this order includes but is not limited to use for fish and game.

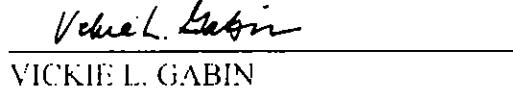
IT IS THEREFORE ORDERED that the rights of the Defendant to divert and use the waters of the Rio Chama Stream System, Village of Chama, Section 7, for the licensed ponds identified in this order and Defendant's surface and groundwater rights for irrigation under Subfile CHCV-001-0006, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Approved:

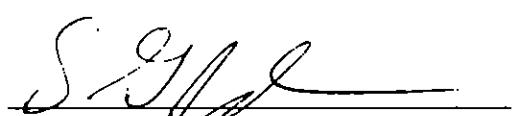


VICKIE L. GABIN  
SPECIAL MASTER

Accepted:



LEVI PESATA  
President, Jicarilla Apache Nation



SUSAN G. JORDAN

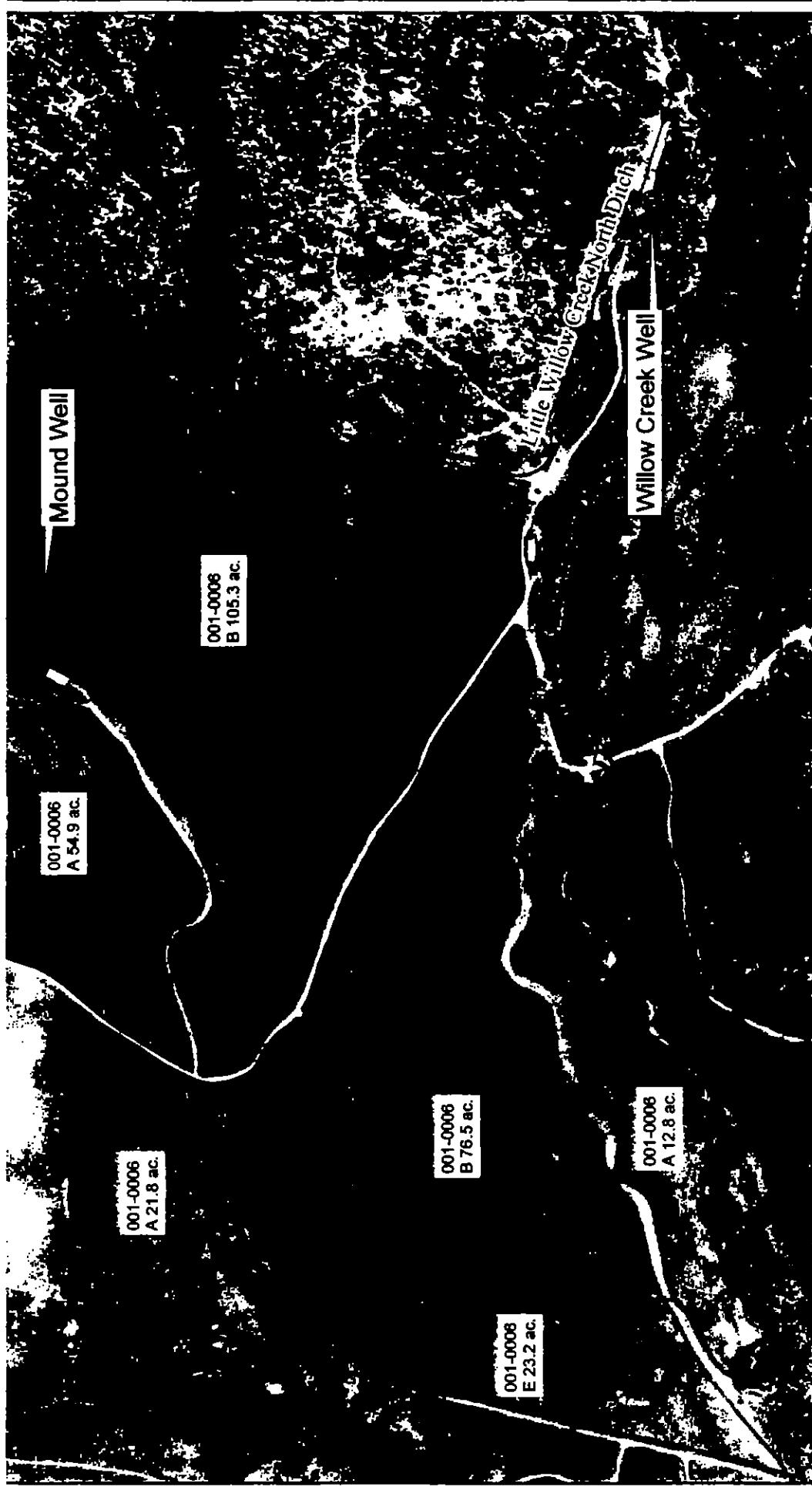
Nordhaus Law Firm, LLP  
1239 Paseo de Peralta  
Santa Fe, NM 87501

LESTER K. TAYLOR  
Nordhaus Law Firm, LLP  
405 Dr. Martin Luther King Ave NE  
Albuquerque, NM 87102-3541

Attorneys for Jicarilla Apache Nation

Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102





Subfile Number	<b>CHCV 001-0006</b>
Unnamed Ditches No. 1 (North) & (South), Little Willow Creek North Ditch, Mound Well & Willow Creek Well	
AMENDED January 30, 2006	
STATE OF NEW MEXICO	Office of the State Engineer
	John R. D'Antonio, Jr., P.E.,
	State Engineer
Rio Chama Hydrographic Survey	Village of Chama Section
N	1 inch = 700 feet
	0 175 350 700
	Feet